

RESOLUTION NO. 20110728-042

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owners on the value of the property interest, or the damages, if any; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests necessary to the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: Lizard Crawl, LLC

Project: South IH-35 Water and Wastewater Infrastructure
Improvements Program Project

Public Purpose: the permanent waterline easement described in the attached Exhibit "A" is necessary to construct, operate, maintain, repair, replace, and upgrade waterlines and associated appurtenances and making connections therewith, in order to increase and improve the City's ability to provide potable water to the public and to prevent leakage from water lines; and

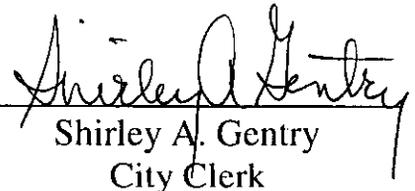
the temporary working space easement described in the attached Exhibit "B" is necessary to install the permanent water lines, appurtenances thereto in the waterline easement described in the attached Exhibit "A".

Location: East of IH-35, north of F.M. 1327 and S.H. 45 SE, in Austin, Travis County, Texas.

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: July 28, 2011

ATTEST:


Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " A "

(WATERLINE EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.003

DESCRIPTION FOR PARCEL 4558.104 WE

LEGAL DESCRIPTION OF A 0.768 ACRE (33,456 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.768 ACRE TRACT BEING A PORTION OF AN 11.26 ACRE TRACT CONVEYED TO LIZARD CRAWL, L.L.C., BY WARRANTY DEED DATED APRIL 15, 2005 AND RECORDED IN DOCUMENT NO. 2005065894 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.768 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod with TxDOT aluminum cap found at the intersection of the east right-of-way line of Interstate Highway No. 35 (right-of-way width varies) and the north line of said 11.26 acre tract, also being the south line of a 10.26 acre tract described in Document No. 2005065895 of the Official Public Records of Travis County, Texas, for the northeast corner of a 2.131 acre tract described in Document No. 2007024750 of the Official Public Records of Travis County, Texas, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,015,448.24, E=3,096,224.81, for the northwest corner and **POINT OF BEGINNING** of this tract, from which a TxDOT Type II brass disk in concrete found (Station 1438+73.82, 276.04' Left) for an angle point in said east right-of-way line of Interstate Highway No. 35, bears North 16°35'58" East, a distance of 1,359.82 feet;

THENCE South 77°12'37" East, with the north line of said 11.26 acre tract and the south line of said 10.26 acre tract, a distance of 30.07 feet to a 60D nail set for the northeast corner of this tract, from which a 1/2" iron rod with "VARA" plastic cap found for the northeast corner of said 11.26 acre tract, also being the southeast corner of said 10.26 acre tract, bears South 77°12'37" East, a distance of 296.35 feet;

THENCE over and across said 11.26 acre tract, the following six (6) courses:

1. South 16°35'58" West, 30 feet from and parallel with the east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, a distance of 172.83 feet to a 60D nail set for a point of curvature in the east line of this tract;

0.768 Acre (33,456 Square Feet)
Waterline Easement

4558.104-WE

5410 South 1st Street · Austin, Texas 78745 · (512) 442-7875 · Fax (512) 442-7876 · maciasurvey@earthlink.net
w w w . m a c i a s w o r l d . c o m

2. With a curve to the right, 30 feet from and concentric to the east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, having an arc length of 238.70 feet, a radius of 10051.50 feet, and a chord which bears South 17°17'15" West, a distance of 238.69 feet to a 60D nail set for a point of tangency in the east line of this tract;
3. South 17°57'50" West, 30 feet from and parallel with the east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, a distance of 355.39 feet to a 60D nail set for an angle point in the east line of this tract;
4. South 05°59'55" East, a distance of 49.24 feet to a 60D nail set for an angle point in the east line of this tract;
5. South 17°57'50" West, 30 feet from and parallel with the east line of a 20 foot wide water line easement described in Document No. 2008126280 of the Official Public Records of Travis County, Texas, a distance of 94.19 feet to a 60D nail set for a point of curvature in the east line of this tract;
6. With a curve to the left, 30 feet from and concentric to the east line of said 20 foot water line easement, having an arc length of 194.35 feet, a radius of 744.00 feet, and a chord which bears South 04°47'56" East, a distance of 193.80 feet to a 60D nail set in the south line of said 11.26 acre tract, also being the north line of an 11.51 acre tract described in Document No. 2006143598 of the Official Public Records of Travis County, Texas, for the southeast corner of this tract, from which a 1/2" iron rod with "VARA" plastic cap found in the north line of said 11.51 acre tract for the southeast corner of said 11.26 acre tract, bears South 77°16'19" East, a distance of 293.17 feet;

THENCE North 77°16'19" West, with the south line of said 11.26 acre tract and the north line of said 11.51 acre tract, a distance of 32.97 feet to a 60D nail set for the southwest corner of this tract, also being the southeast corner of said 20 foot wide water line easement, from which a 1/2" iron rod with TxDOT aluminum cap found at the intersection of said east right-of-way line of Interstate Highway No. 35, the south line of said 11.26 acre tract and the north line of said 11.51 acre tract, also being the southeast corner of said 2.131 acre tract and the southwest corner of said 20 foot water line easement, bears North 77°16'19" West, a distance of 21.83 feet;

THENCE over and across said 11.26 acre tract with the east line of said 20 foot wide water line easement, the following three (3) courses:

1. With a curve to the right, having an arc length of 192.31 feet, a radius of 774.00 feet, and a chord which bears North 04°07'57" West, a distance of 191.82 feet to a 60D nail set for a point of tangency in the west line of this tract;

2. North $17^{\circ}57'50''$ East, a distance of 98.17 feet to a 60D nail set for the northeast corner of said 20 foot wide water line easement and an angle point in the west line of this tract;
3. North $72^{\circ}02'10''$ West, a distance of 20.00 feet to a 60D nail set in said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, for the northwest corner of said 20 foot wide water line easement and an angle point in the west line of this tract, from which a TxDOT Type II brass disk in concrete found (Station 1461+43.18, 316.41' Left) for a point of curvature in said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, bears South $17^{\circ}57'50''$ West, a distance of 100.78 feet;

THENCE with said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, the following three (3) courses:

1. North $17^{\circ}57'50''$ East, a distance of 400.21 feet to a TxDOT Type II brass disk in concrete found (Station 1456+42.21, 316.16' Left) for a point of curvature;
2. With a curve to the left, having an arc length of 238.34 feet, a radius of 10021.50 feet, and a chord which bears North $17^{\circ}17'15''$ East, a distance of 238.34 feet to a TxDOT Type II brass disk in concrete found (Station 1454+03.97, 313.21' Left) for a point of tangency;
3. North $16^{\circ}35'58''$ East, a distance of 170.65 feet to the **POINT OF BEGINNING**, containing 0.768 acres (33,456 square feet) of land.

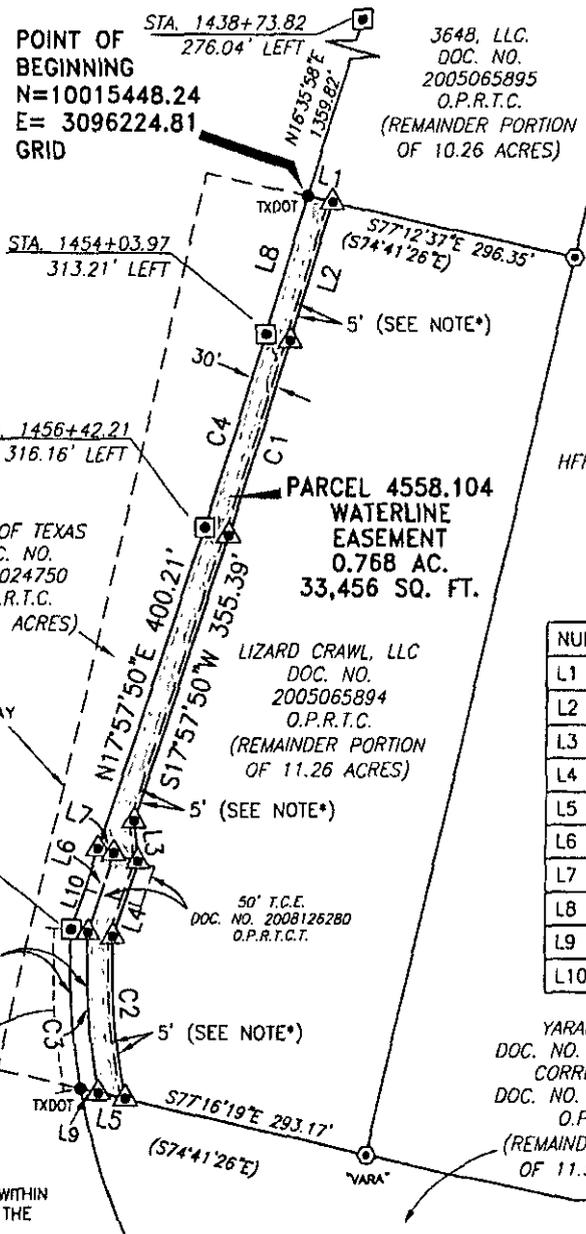
SKETCH TO ACCOMPANY LEGAL DESCRIPTION

TRINIDAD VARCINAS
SURVEY NO. 535
ABSTRACT NO. 785

INTERSTATE HIGHWAY NO. 35
NORTHBOUND FRONTAGE ROAD
(RIGHT-OF-WAY VARIES)



1"=200'



LEGEND

- ⊙ 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED
- 1/2" IRON ROD FOUND UNLESS NOTED OTHERWISE
- ⊠ TXDOT TYPE II BRASS DISK IN CONCRETE FOUND
- TXDOT ● 1/2" IRON ROD W/ TXDOT ALUMINUM CAP FOUND
- ▲ 600 NAIL SET
- () RECORD INFORMATION
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
- T.C.E. TEMPORARY CONSTRUCTION EASEMENT

HFH INVESTMENTS LP (PER TCAD)
DOC. NO. 2000089761
O.P.R.T.C.
(REMAINDER PORTION OF 449.05 ACRES)

Line Table

NUMBER	Bearing	Distance
L1	S77°12'37"E	30.07'
L2	S16°35'58"W	172.83'
L3	S05°59'55"E	49.24'
L4	S17°57'50"W	94.19'
L5	N77°16'19"W	32.97'
L6	N17°57'50"E	98.17'
L7	N72°02'10"W	20.00'
L8	N16°35'58"E	170.65'
L9	N77°16'19"W	21.83'
L10	S17°57'50"W	100.78'

Curve Table

NUMBER	Delta Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	01°21'38"	10051.50'	238.70'	238.69'	S17°17'15"W
C2	14°58'02"	744.00'	194.35'	193.80'	S04°47'56"E
C3	14°14'10"	774.00'	192.31'	191.82'	N04°07'57"W
C4	01°21'46"	10021.50'	238.34'	238.34'	N17°17'15"E

***SURVEYOR'S NOTE:**
NO INFRASTRUCTURE SHALL BE BUILT WITHIN THIS 5 FOOT WIDE AREA INCLUDED IN THE PROPOSED EASEMENT.

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE-4203, NAD83(CORS). THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT "F-11-3001" HAVING COORDINATE VALUES OF N=10,022,636.88, E=3,098,305.34 AND CITY OF AUSTIN REFERENCE POINT "F-11-2001" HAVING COORDINATE VALUES OF N=10,023,831.79, E=3,098,416.36. DISTANCES SHOWN HEREON ARE GRID.

MARCH 09, 2009
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 - State of Texas



DATE: 03-09-09
DRAWN BY: amd
MAP JOB NO.: 398-03-08
REFERENCE:

J:\JOBS\URS\398-04-08 SouthH35\DWG\4558.104 WE.dwg

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
★ ★ ★ ★ ★ ★ ★
5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACSURV.COM



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

EXHIBIT " B "

(TEMPORARY WORKING SPACE EASEMENT)
SOUTH I-35 WATER/WASTEWATER PROGRAM
CIP # 6937.003

DESCRIPTION FOR PARCEL 4558.104 TWSE

LEGAL DESCRIPTION OF A 0.507 ACRE (22,100 SQUARE FOOT) TRACT OF LAND OUT OF THE TRINIDAD VARCINAS SURVEY NO. 535, ABSTRACT NO. 785 IN TRAVIS COUNTY, TEXAS, SAID 0.507 ACRE TRACT BEING A PORTION OF AN 11.26 ACRE TRACT CONVEYED TO LIZARD CRAWL, L.L.C., BY WARRANTY DEED DATED APRIL 15, 2005 AND RECORDED IN DOCUMENT NO. 2005065894 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 0.507 ACRE TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 60D nail set in the north line of said 11.26 acre tract, also being the south line of a 10.26 acre tract described in Document No. 2005065895 of the Official Public Records of Travis County, Texas, having Texas State Plane Grid Coordinate (Central Zone-4203, NAD83(CORS), U.S. Survey Feet,) values of N=10,015,441.59, E=3,096,254.13, for the northwest corner and **POINT OF BEGINNING** of this tract, from which a 1/2" iron rod with TxDOT aluminum cap found at the intersection of the east right-of-way line of Interstate Highway No. 35 (right-of-way width varies), the north line of said 11.26 acre tract and the south line of said 10.26 acre tract, also being the northeast corner of a 2.131 acre tract described in Document No. 2007024750 of the Official Public Records of Travis County, Texas, bears North 77°12'37" West, a distance of 30.07 feet;

THENCE South 77°12'37" East, with the north line of said 11.26 acre tract and the south line of said 10.26 acre tract, a distance of 20.04 feet to a calculated point for the northeast corner of this tract, from which a 1/2" iron rod with "VARA" plastic cap found for the northeast corner of said 11.26 acre tract, also being the southeast corner of said 10.26 acre tract, bears South 77°12'37" East, a distance of 276.31 feet;

THENCE over and across said 11.26 acre tract, the following six (6) courses:

1. South 16°35'58" West, a distance of 174.28 feet to a calculated point for a point of curvature in the east line of this tract;
2. With a curve to the right, having an arc length of 238.94 feet, a radius of 10081.50 feet, and a chord which bears South 17°17'15" West, a distance of 238.93 feet to a calculated point for a point of tangency in the east line of this tract;

0.507 Acre (22,100 Square Feet)
Temporary Working Space Easement

4558.104-TWSE

5410 South 1st Street · Austin, Texas 78745 · (512) 442-7875 · Fax (512) 442-7876 · maciasurvey@earthlink.net
w w w . m a c i a s w o r l d . c o m

3. South 17°57'50" West, a distance of 351.26 feet to a calculated point for an angle point in the east line of this tract;
4. South 05°59'55" East, a distance of 49.24 feet to a calculated point for an angle point in the east line of this tract;
5. South 17°57'50" West, a distance of 95.73 feet to a calculated point for a point of curvature in the east line of this tract;
6. With a curve to the left, having an arc length of 195.82 feet, a radius of 724.00 feet, and a chord which bears South 05°16'28" East, a distance of 195.23 feet to a calculated point in the south line of said 11.26 acre tract, also being the north line of a 11.51 acre tract described in Document No. 2006143598 of the Official Public Records of Travis County, Texas, for the southeast corner of this tract, from which a 1/2" iron rod with "VARA" plastic cap found in the north line of said 11.51 acre tract for the southeast corner of said 11.26 acre tract bears South 77°16'19" East, a distance of 271.04 feet;

THENCE North 77°16'19" West, with the south line of said 11.26 acre tract and the north line of said 11.51 acre tract, a distance of 22.14 feet to a 60D nail set for the southwest corner of this tract, from which a 1/2" iron rod with TxDOT aluminum cap found at the intersection of said east right-of-way line of Interstate Highway No. 35, the south line of said 10.26 acre tract and the north line of said 11.51 acre tract, also being the southeast corner of said 2.131 acre tract, bears North 77°16'19" West, a distance of 54.80 feet;

THENCE over and across said 11.26 acre tract, the following six (6) courses:

1. With a curve to the right, 30 feet from and concentric to the east line of a 20 foot wide water line easement described in Document No. 2008126280 of the Official Public Records of Travis County, Texas, having an arc length of 194.35 feet, a radius of 744.00 feet, and a chord which bears North 04°47'56" West, a distance of 193.80 feet to a 60D nail set for a point of tangency in the west line of this tract;
2. North 17°57'50" East, 30 feet from and parallel with the east line of said 20 foot wide water line easement, a distance of 94.19 feet to a 60D nail set for an angle point in the west line of this tract;
3. North 05°59'55" West, a distance of 49.24 feet to a 60D nail set for an angle point in the west line of this tract;
4. North 17°57'50" East, 30 feet from and parallel with the east line of said 20 foot wide water line easement, a distance of 355.39 feet to a 60D nail set for a point of curvature in the west line of this tract;

0.507 Acre (22,100 Square Feet)
Temporary Working Space Easement

4558.104-TWSE

5. With a curve to the left, 30 feet from and concentric to said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, having an arc length of 238.70 feet, a radius of 10051.50 feet, and a chord which bears North 17°17'15" East, a distance of 238.69 feet to a 60D nail set for a point of tangency in the west line of this tract;
6. North 16°35'58" East, 30 feet from and parallel with said east right-of-way line of Interstate Highway No. 35 and the east line of said 2.131 acre tract, a distance of 172.83 feet to the **POINT OF BEGINNING**, containing 0.507 acres (22,100 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, Central Zone-4203, NAD 83(CORS). Project control points were established from City of Austin reference station "F-11-3001" having coordinate values of N=10,022,636.88, E=3,098,305.34 and "F-11-2001" having coordinate values of N=10,023,831.79, E=3,098,416.36. Distances shown herein are grid.

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

That I, Steven M. Duarte, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 9th day of March, 2009, A.D.

Macias & Associates, L.P.
 5410 South 1st Street
 Austin, Texas 78745
 512-442-7875

[Handwritten Signature]
 Steven M. Duarte
 Registered Professional Land Surveyor
 No. 5940 - State of Texas



REFERENCES
 MAPSCO 2003 ,733-C&G
 AUSTIN GRID NO. F-9
 TCAD PARCEL ID NO. 04-5618-0209
 MACIAS & ASSOCIATES, L.P., PROJECT NO. 396-03-08

0.507 Acre (22,100 Square Feet)
 Temporary Working Space Easement

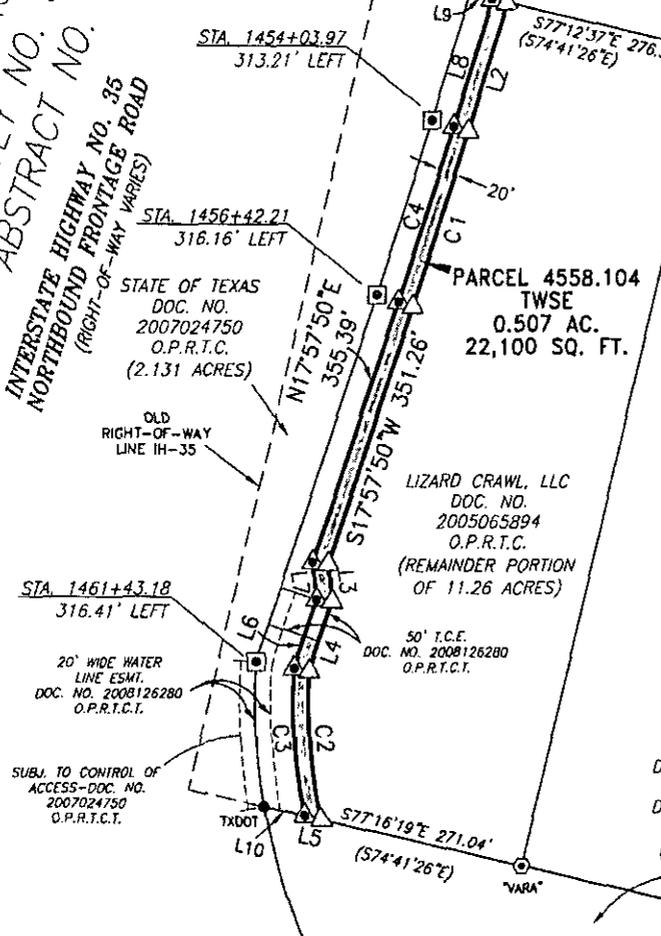
Reviewed and Approved by TWSE
Landmark Surveying, LP
[Handwritten Signature] Date 3-10-09
 Juan M. Canales, Jr., R.P.L.S. No. 4453
 Senior Project Manager

**SKETCH TO ACCOMPANY
LEGAL DESCRIPTION**

TRINIDAD VARCINAS
SURVEY NO. 535
ABSTRACT NO. 785
INTERSTATE HIGHWAY NO. 35
NORTHBOND FRONTAGE ROAD
(RIGHT-OF-WAY VARIES)

POINT OF BEGINNING
N=10015441.59
E= 3096254.13
GRID

3648, LLC.
DOC. NO.
2005065895
O.P.R.T.C.
(REMAINDER PORTION
OF 10.26 ACRES)



- LEGEND**
- ⊙ 1/2" IRON ROD FOUND WITH PLASTIC CAP STAMPED
 - 1/2" IRON ROD FOUND UNLESS NOTED OTHERWISE
 - ⊠ TXDOT TYPE II BRASS DISK IN CONCRETE FOUND
 - TXDOT ● 1/2" IRON ROD W/ TXDOT ALUMINUM CAP FOUND
 - △ CALCULATED POINT
 - ▲ 60D NAIL SET
 - () RECORD INFORMATION
 - O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS
 - T.C.E. TEMPORARY CONSTRUCTION EASEMENT

HFH INVESTMENTS LP (PER TCAD)
DOC. NO. 2000089761
O.P.R.T.C.
(REMAINDER PORTION
OF 449.05 ACRES)

Line Table

NUMBER	Bearing	Distance
L1	S77°12'37"E	20.04'
L2	S16°35'58"W	174.28'
L3	S05°59'55"E	49.24'
L4	S17°57'50"W	95.73'
L5	N77°16'19"W	22.14'
L6	N05°59'55"W	49.24'
L8	N16°35'58"E	172.83'
L9	N77°12'37"W	30.07'
L10	N77°16'19"W	54.80'

Curve Table

NUMBER	Delta Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	01°21'29"	10081.50'	238.94'	238.93'	S17°17'15"W
C2	15°29'49"	724.00'	195.82'	195.23'	S05°16'28"E
C3	14°58'02"	744.00'	194.35'	193.80'	N04°47'56"W
C4	01°21'38"	10051.50'	238.70'	238.69'	N17°17'15"E

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE-4203, NAD83(CORS). THE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINT "F-11-3001" HAVING COORDINATE VALUES OF N=10,022,636.88, E=3,098,305.34 AND CITY OF AUSTIN REFERENCE POINT "F-11-2001" HAVING COORDINATE VALUES OF N=10,023,831.79, E=3,098,416.36. DISTANCES SHOWN HEREON ARE GRID.

MARCH 09, 2009
Steven M. Duarte
Registered Professional Land Surveyor
No. 5940 State of Texas



DATE: 03-09-09
DRAWN BY: emd
MAP JOB NO.: 398-03-08
REFERENCE:
J:\JOBS\URS\398-04-08 SouthH35\DWG\4558.104 TWSE.dwg

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS
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FAX (512)442-7876 EMAIL: CARMELO.MACIAS@MACSURV.COM